

comprises a block of compressed mesh material having a surface to which scale is attracted and which material is different from another mesh material in the filter. The O'Flynn et al. patent does not teach, or even suggest that the water treatment cartridge element shown therein, water treatment cartridge 38, is a scale collector and is formed of compressed mesh material having a surface to which scale is attracted. Instead, as shown in column 3, line 39 - column 4, line 2 and Fig. 8, the scale collector of the O'Flynn et al. patent comprises an outer wall member 43, having a plurality of mesh-covered apertures, and an inner member 41, having wall members 44, 46, 47 and 50 (wall member 44 having a plurality of mesh covered apertures), forming a compartment 42 for holding a quantity of water treatment media which have not been shown therein to collect scale. Clearly, such a structure cannot be considered to teach, or even suggest, a block of compressed mesh material having a surface to which scale is attracted.

Additionally, unlike the filter defined by Claim 15, the material of the mesh covering apertures in the walls of the cartridge element of the O'Flynn et al. patent is not shown to differ from the material of the mesh covering the apertures of the frame (filter plate 26) to which the cartridge element is attached.

The rejection of Claim 5 under 35 U.S.C. 103(a) as unpatentable over O'Flynn et al. in view of Martindale is considered to lack merit.

The O'Flynn et al. patent is not considered to teach, or even suggest, the filter defined by Claim 5 for reasons given in regard to parent Claim 15. Additionally the filter defined by Claim 5 is not considered to be taught, or even suggested by the O'Flynn et al. patent in the lack of any teaching, or even suggestion, therein of a scale collector being removably mounted to a carrier member.

Marindale, which teaches nothing about filters comprising scale collectors but only about strainers for use in tea pots and similar liquid containing vessels, clearly cannot be considered to fill any of the above-noted gaps in the teaching of the O'Flynn et al. patent.

The allowability of the subject matter of Claim 13 is noted.

An early allowance of the claims and case is requested.

Respectfully submitted,

By Norman N. Spain
Norman N. Spain, Reg. 17,846
Attorney
(914) 333-9653

CERTIFICATE OF MAILING

I hereby certify that this correspondence is being deposited this date with the United States Postal Service as first-class mail in an envelope addressed to:

COMMISSIONER OF PATENTS AND TRADEMARKS
Washington, D.C. 20231

On May 8, 2003

By Elissa DeLucy